REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 16, 2008, and Adversary Action mailed February 26, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7 and 9-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koike et al. (US 2003/0084300).

Independent claim 1, as amended, recites the limitations of "at said receiver, receiving a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data; determining whether a received privacy policy is acceptable; and if acceptable, selecting from the receiver's store the usage data identified in the privacy policy and transmitting the usage data to a sender of the privacy policy."

Koike fails to describe, teach or imply the above limitations. The Final Office Action points to paragraph [0036] lines 4-6 and [0013] to show the limitation of "providing to said receiver a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data." Applicants respectfully disagree. In these sections Koike simply teaches that a privacy data administrator is connected between a server and a terminal device of a user. This privacy data administrator administrating data including privacy of the user. Thus, Koike does not teach that the

privacy policy identifying the usage data sought to be harvested and an intended use for the usage data is provided to the receiver or terminal, but is administered by a device between the server and receiver. The Final Office Action points to paragraph [0021] lines 7-10 to show the limitations of "*said receiver determining* whether a received privacy policy is acceptable; and if acceptable, at the receiver selecting from the store the usage data identified in the privacy policy and transmitting the usage data to a sender of the privacy policy." Applicants respectfully disagree. In this section Koike again simply teaches that a privacy data administrator is connected between a server and a terminal of device of a user. This privacy data administrator administrating data including privacy of the user (not the receiver) and determines whether the user of the terminal is allowed access to the data.

The Final Office action also indicates that the Examiner notes that the Terminal Device and the Privacy Data Administrator in Koike "as a complete set of receiver." However, this is inconsistent with Koike. In paragraph [0035], Koike indicates that "the terminal device may be comprised of a cellular phone" The privacy data administrator 100 is some type of processing unit, see paragraph [0090] which is located somewhere other than the terminal device. Accordingly, nothing in Koike teaches or suggests the Terminal Device and the Privacy Data Administrator are a "complete set of the receiver", they are meant to be two separate parts of the network or system of Koike (See figs. 1, 5, 9, 14 and 16).

Independent claim 9 recites: An apparatus for harvesting of usage data comprising: "monitoring and storage devices arranged to detect and store usage data

relating to a user's operation ... control device being arranged, on determination that said received privacy policy is acceptable, to select from said storage device the usage data identified in the privacy policy and transmit the usage data to the output." Applicants respectfully note that the above claim recites a complete apparatus and not a combination of pieces of a network or system.

Claims 1 and 9 stand rejected under 35 U.S.C 102(e) as being anticipated by Nilsson et al. (U.S. Patent 2003/0041100).

The Final Office Action indicates the Nilsson shows the limitations of "a method of harvesting usage data from a receiver" in Para [0006], configured to detect and store such usage data, comprising: at said receiver, "receiving a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data" in Para [0006] line 5- 8 Para [0027], "determining whether a received privacy policy is acceptable", Para [0014]; and "if acceptable, selecting from the receiver's store the usage data identified in the privacy policy" in Para [0015] line 6-10 and Para [0014], and transmitting the usage data to a sender of the privacy policy. Applicants respectfully disagree.

In Para [0006], Nilsson shows an exchange protocol e.g. CC/PP, for Capabilities and Preferences Information, "CPI", and not "harvesting usage data from a receiver, configured to detect and store such usage data." See "usage data" as defined in the present invention's specification on page 1, lines 5-19. In Para [0006] line 5- 8 Para [0027], applicants can find nothing that teaches "receiving a privacy

policy identifying the usage data sought to be harvested and an intended use for the usage data," but only method of conveying information using a user profile containing CPI from an origin server to a node associated with a user, see Para [0007]. In Para [0015] line 6-10 and Para [0014] Nilsson does not teach "if acceptable, selecting from the receiver's store the usage data identified in the privacy policy" but only method of communication between a origin sever and a node wherein a minimal user profile with user selected CPI is used, not usage data.

Having shown that the cited references do not include all the elements of the present invention, Applicant submits that the reasons for the Examiner's rejections of the claims 1 and 9 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

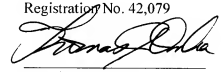
Claims 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike et al. (US 2003/0084300) in view of Blasko (US 2001/0049620).

Claims 2-8 and 10-15 are dependent from one of the impendent claims discussed above, and are believed allowable for at least the same reasons and any rejections thereof should be withdrawn. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079



Date: May 5, 2009

By: Thomas J. Onka
Attorney for Applicant
Registration No. 42,053

Mail all correspondence to:

Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615